

SC ADMINISTRATIVE CIRCULAR NO. 7-A-92, June 21, 1993

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TO

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THE REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, AND SHARI'A CIRCUIT COURTS

SUBJECT

:

GUIDELINES IN THE ARCHIVING OF CASES

Administrative Circular No. 7-92, dated October 12, 1992, is hereby amended to read as follows:

The attention of the Court has been called to the lack of uniformity in the policies adopted by the individual judges with respect to the archiving of cases. There are likewise reports of indiscriminate archiving of cases without apparent justifiable reason. The following guidelines are therefore established in the archiving of cases:

I. CRIMINAL CASES

a) A criminal case may be archived only if after the issuance of the warrant of arrest, the accused remains at large for six (6) months from the delivery of the warrant to the proper peace officer. An order archiving the case shall require the peace officer to explain why the accused was not apprehended. The court shall issue an alias warrant if the original warrant of arrest is returned by the peace officer together with the report.

b) The court, *motu proprio* or upon motion of any party, may likewise archive a criminal case when proceedings therein are ordered suspended for an indefinite period because;

1) the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently, or to undergo trial, and he has to be committed to a mental hospital;

2) a valid prejudicial question in a civil action is invoked during the pendency of the criminal case unless the civil and the criminal cases are consolidated;

3) an interlocutory order or incident in the criminal case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction; and

- 4) when the accused has jumped bail before arraignment and cannot be arrested by his bondsmen.

II. CIVIL CASE

In civil cases, the court may motu proprio or upon motion, order that a civil case be archived only in the following instance:

- a) When the parties are in the process of settlement, in which case the proceedings may be suspended and the case shall be included in the trial calendar on the day immediately following the lapse of the suspension period.
- b) When an interlocutory order or incident in the civil case the proceedings may be suspended and the case archived for a period not exceeding ninety (90) days. The case shall be included in the trial calendar on the day immediately following the lapse of the suspension period.
- c) When defendant, without fault or neglect of plaintiff, cannot be served with summons within six (6) months from issuance of original summons.

GENERAL PROVISIONS

- a) Copies of the Order archiving the case shall be furnished the parties.
- b) A special docket shall be maintained to record the cases both criminal and civil that have been archived.
- c) A periodic review of the archived cases shall be made by the Presiding Judge.
- d) The Presiding Judge shall, motu proprio or upon motion of any party, order the reinstatement/revival of an archived case and its withdrawal from the archives whenever the same is ready for trial or further proceedings.
- e) The Branch Clerk of Court shall submit to the Office of the Court Administrator a consolidated list of archived cases not later than the first week of January of every year.

Strict compliance with this Administrative Circular is hereby enjoined.

June 21, 1993.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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